



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,668	03/23/2004	Russell Wayne Dellmo	GCSD-1573 (51395)	1171
74701 7590 11/20/2008 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST 255 S ORANGE AVENUE SUITE 1401 ORLANDO, FL 32801			EXAMINER PAN, JOSEPH T	
			ART UNIT 2435	PAPER NUMBER
			NOTIFICATION DATE 11/20/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/806,668	Applicant(s) DELLMO ET AL.	
	Examiner JOSEPH PAN	Art Unit 2435	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-8, 10-18 and 20-38.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues:

"Applicants submit that the Examiner mischaracterized Klein, as Klein fails to disclose the cryptographic module including a tamper circuit for disabling the cryptographic processor based upon tampering with the first housing." (see page 4, 3rd paragraph, Applicant's Arguments/Remarks)

Examiner maintains:

Dhir discloses a cryptographic device comprising a cryptographic module and a communication module (see figure 8, element 321 'encryption engine', 301 'wlan [i.e., wireless local area network] transceiver' of Dhir).

However, Dhir does not specifically mention that the cryptographic module and the communication module are removably coupled. Neither does Dhir specifically mention the disablement of encryption.

Cheng teaches a add-on card for connecting to both wired and wireless networks, wherein Cheng discloses that "The network connection module can be detachable from the add-on card to allow for various network configurations." (see figure 4; and abstract, lines 9-11 of Cheng).

On the other hand, Klein discloses "The computing apparatus of claim 1, wherein said bus-to-bus bus bridge additionally comprises a circuit for selectively disabling said logic circuit from encrypting said digital data." (see column 8, lines 61-64 of Klein). Therefore, Klein discloses the selective disablement of encryption module. Klein further discloses the tampering (see column 7, lines 44 "Tampering with the logic circuit", of Klein).

Thus, the combination of Dhir, Cheng, and Klein disclose the claim limitations such as described in Claim 1.

Applicant argues:

"Applicants further submit that the Examiner's combination of Dhir et al., Cheng, and Klein is improper, as a person having ordinary skill in the art would not turn to Cheng to combine with Dhir et al. and Klein to arrive at the claimed invention." (see page 5, 2nd paragraph, Applicant's Arguments/Remarks)

Examiner maintains:

Dhir et al. disclose "Referring to FIG. 7, there is shown an exemplary embodiment of FPGA 300 program in accordance with one or more aspects of the present invention. In this embodiment, a separate transceiver 301 integrated circuit, namely not embedded in FPGA 300, is coupled to FPGA 300, as is program memory 312. In this embodiment, a direct interface between separate transceiver 301 and FPGA 300 may be employed for direct interaction between transceiver 301 and FPGA 300." (see column 7, lines 48-56 of Dhir et al., emphasis added).

Therefore, Dhir et al. disclose that the communication module [i.e., transceiver 301] is separate from the cryptographic module [i.e., in FPGA 300].

Cheng teaches a add-on card for connecting to both wired and wireless networks, wherein Cheng discloses that "The network connection module can be detachable from the add-on card to allow for various network configurations." (see figure 4; and abstract, lines 9-11 of Cheng).

Thus, Combining Dhir et al. with Cheng so that the communications module and the cryptographic module would be removably coupled would not require splitting the communications and cryptographic modules from the single FPGA, and would make Dhir's system "to allow for various network configurations".

On the other hand, Klein discloses "The computing apparatus of claim 1, wherein said bus-to-bus bus bridge additionally comprises a circuit for selectively disabling said logic circuit from encrypting said digital data." (see column 8, lines 61-64 of Klein). Therefore, Klein discloses the selective disablement of encryption module. Klein further discloses the tampering (see column 7, lines 44 "Tampering with the logic circuit", of Klein). Therefore, Klein's teaching could enhance the system of Dhir for "selectively disabling said logic circuit from encrypting said digital data".